

Remarks/Arguments

Reconsideration of this application is requested.

Claim Status

Claims 1-21 were presented. Claims 1, 2, 4, 7-9, 11, 13, 14, 16 and 19-21 are amended, and claim 6 is canceled, without prejudice. Thus, claims 1-5 and 7-21 are now pending.

Claim Rejections – 35 USC 102(b)

Claims 1-6, 8, 10-13 and 15-17 are rejected under 35 USC 102(b) as anticipated by Fukuda (JP401318456). In response, independent claims 1 and 11 are amended to clarify the distinctions of the present invention relative to Fukuda.

In the present invention, the control unit keeps the circuit closed to make acceptance of an incoming call impossible *as long as* the recording unit fails to operate. In Fukuda, by contrast, the circuit with PBX 250 is only temporarily cut off for about 500 ms (see Fukuda, page 8, last sentence). Claims 1 and 11 are amended to emphasize this distinction.

Moreover, in the present invention, the control unit temporarily releases the circuit to enable outgoing facsimile transmission jobs. Thus, the circuit remains closed to incoming calls so long as the recording unit is not functioning correctly, but allows outgoing facsimile transmissions. Fukuda discloses no such feature. The Action references the first paragraph of page 9 of Fukuda in relation to temporary release of the circuit. Fukuda describes, in this passage, the activation of automatic dispatch circuit element 235 by control element 201 of facsimile device 200 and use of the transmission function of PBX 250 to call another facsimile device 210 and connect it to device 200. In contrast, the present invention permits temporary release of the circuit for *outgoing facsimile transmissions*. Claims 1 and 11 are amended to emphasize this feature.

The dependent claims are amended as necessary to be consistent with the amendments to independent claims 1 and 11. In addition, claims 2 and 4 are amended to eliminate reference numerals.

Since Fukuda does not anticipate each and every element of claims 1 and 11, it cannot anticipate those claims or claims dependent thereon. The rejections under 35 USC 102(b) should be withdrawn.

Claim Rejections – 35 USC 103

Claims 7, 9, 14, 19 and 21 are rejected under 35 USC 103(a) as obvious over Fukuda in view of Hirata (US 4,920,427). Claim 18 is rejected as obvious over Fukuda in view of Kawai et al. (US 5,778,279). Claim 20 is rejected as obvious over Fukuda in view of Matsuda et al. (US 6,055,067).

The ancillary references cited against dependent claims 7, 9, 14 and 18-21 do not remedy the deficiencies of Fukuda as applied to claims 1 and 11. That is, none of the ancillary references teach that the circuit is kept closed to incoming calls as long as the recording unit is inoperable, and that the circuit is temporarily released to allow outgoing facsimile transmissions.

Thus, since Fukuda and the ancillary references fail to teach or suggest each and every element of claims 7, 9, 14 and 18-21 by virtue of their dependencies from claims 1 and 11. The rejections under 35 USC 103(a) should be withdrawn.

Conclusion

This application is now believed to be in condition for allowance. The examiner is invited to telephone the undersigned to resolve any issues that remain after entry of this amendment. Any fees due with this response may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: October 5, 2005

By: 

Troy M. Schmelzer
Registration No. 36,667
Attorney for Applicant(s)

500 South Grand Avenue, Suite 1900
Los Angeles, California 90071
Phone: 213-337-6700
Fax: 213-337-6701